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HOUSE BILL 601

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO THE IMPORTATION OF DRUGS; ALLOWING THE IMPORTATION  
OF CERTAIN DRUGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico Drug, Device  
and Cosmetic Act is enacted to read:

"~~[NEW MATERIAL]~~ IMPORTED DRUGS--COMPLIANCE WITH FEDERAL  
LAW--CHAIN OF CUSTODY.--

A. A person may reimport prescription drugs from a  
wholesale distributor in Canada for retail sale, provided that  
the following conditions are met:

(1) the drug was originally manufactured in  
the United States, and a continuous chain of custody for the  
drug can be demonstrated;

(2) the drug has been approved by the federal

underscoring material = new  
~~[bracketed material] = delete~~

1 food and drug administration as safe; and

2 (3) any savings achieved as a result of the  
3 foreign purchase shall be passed on to the patient for whom the  
4 drug has been prescribed.

5 B. For the purposes of this section:

6 (1) "chain of custody" means written or  
7 electronic evidence of custody for a medication from the  
8 manufacturer in the United States to a manufacturer or  
9 wholesale distributor in Canada; and

10 (2) "wholesale distributor" means a person  
11 engaged in the wholesale distribution of prescription drugs,  
12 including manufacturers, repackagers, own-label distributors,  
13 private-label distributors, jobbers, brokers, manufacturer's  
14 warehouses, distributor's warehouses, chain drug warehouses,  
15 wholesale drug warehouses, independent wholesale drug traders  
16 and retail pharmacies that conduct wholesale distribution."

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